

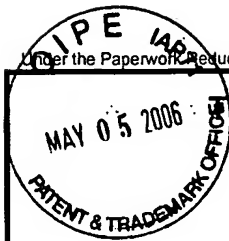
\$23w

PTO/SB/21 (09-04)

Approved for use through 7/31/2006

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.



# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission 34

Application Number	10/701,865
Filing Date	November 5, 2003
First Named Inventor	Joseph J. Kubler et al.
Art Unit	2616
Examiner Name	Moore, Ian N.
Attorney Docket Number	14364US03

## ENCLOSURES (check all that apply)

- |   |   |   |
|---|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> Litigation Statement Pursuant To MPEP §2001.06(C) and Information Disclosure Statement<br><input checked="" type="checkbox"/> 2 copies of PTO/SB/08A, and copy of cited foreign reference<br><input type="checkbox"/> Reply to Missing Parts/Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Return-Receipt Postcard<br><input type="checkbox"/> Other Enclosure(s) (please identify below): |
|---|---|---|

Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

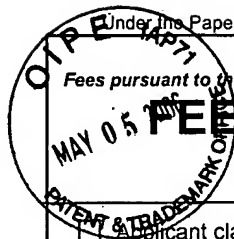
Firm	McAndrews Held & Malloy, Ltd.
Signature	
Printed Name	Kevin E. Borg, Reg. No. 51,486
Date	May 3, 2006

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 05/03/2006

Name (Print/type)	Kevin E. Borg	Registration No. (Attorney/Agent)	51,486
Signature		Date	05/03/2006

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



Fees pursuant to the consolidated Appropriates Act, 2005 (H.R. 4818).

# **FEE TRANSMITTAL** **for FY 2006**

☐ Applicant claims small entity status. See 37 CFR 1.27

**Complete if Known**

Application Number	10/701,865
Filing Date	November 5, 2003
First Named Inventor	Joseph J. Kubler et al.
Examiner Name	Moore, Ian N.
Art Unit	2616
Attorney Docket No.	14364US03

**TOTAL AMOUNT OF PAYMENT** (\$) 180.00

**METHOD OF PAYMENT (check all that apply)**
☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 13-0017 Deposit Account Name: McAndrews Held & Malloy

For the above-identified deposit account, the Director is hereby authorized to (check all that apply)

☒ Charge Fee(s) indicated below ☐ Charge Fee(s) indicated below, except for the filing fee  
☒ Charge any additional fee(s) or underpayments of fees(s) ☒ Credit any overpayments under 37 CFR 1.16 and 1.17

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)**
**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid(\$)
	Fee (\$)	Small Entity Fee(\$)	Fee(\$)	Small Entity Fee(\$)	Fee(\$)	Small Entity Fee(\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Small Entity	
	Fee(\$)	Fee(\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee(\$)	Fee Paid (\$)	Multiple Dependent Claims
_____ -20 or HP _____ x _____ = _____				Fee Fee Paid (\$)
HP = highest number of total claims paid for, if greater than 20				
Indep. Claims	Extra Claims	Fee(\$)	Fee Paid (\$)	
_____ -3 or HP _____ x _____ = _____				
HP = highest number of independent claims paid for, if greater than 3				

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee(\$)	Fee Paid(\$)
_____ -100 _____ /50 _____ (round up to a whole number) x _____ = _____				

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Information Disclosure Statement 180.00
**SUBMITTED BY**

Signature		Registration No. (Attorney/Agent)	51,486	Telephone	(312)775-8000
Name (print/type)	Kevin E. Borg	Date	05/03/2006		



Attorney Docket No. 14364US03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

Joseph J. Kubler et al.

Serial No. 10/701,865

Filed: November 5, 2003

For: Hierarchical Data Collection Network  
Supporting Packetized Voice  
Communications Among Wireless  
Terminals And Telephones

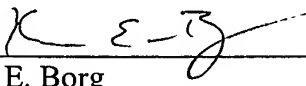
Examiner: Moore, Ian N.

Group Art Unit: 2616

Confirmation No.: 7803

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Mail Stop Amendment, P.O. Box 1450, Alexandria, VA 22313-1450 on May 3, 2006.

  
Kevin E. Borg  
Reg. No. 51,486

**LITIGATION STATEMENT PURSUANT TO MPEP § 2001.06(C) and INFORMATION  
DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The owner of record of the present application, Broadcom Corporation, is currently involved in a patent infringement action with Qualcomm, Inc., Civil Action No. 05-467, pending in the Central District of California.

Pursuant to MPEP 2001.06(c), the Applicants would like to bring to the attention of the U.S. Patent and Trademark Office that the subject matter currently being claimed in the present application may be related to at least one of the patents currently asserted by Broadcom in the above-mentioned lawsuit. For the Office's benefit, Applicants enclose as Exhibit A a list of the patents currently asserted by Broadcom in the above-mentioned pending action.

The Applicants also encloses as Exhibit B a completed PTO form PTO/SB/08A which has one (1) page, as well a copy of each printed reference listed in the enclosed form PTO/SB/08A. Applicants, however, have not submitted U.S. Patents or other references previously provided to or by the PTO in this application. Sixteen (16) references are enclosed.

05/08/2006 KBETEM1 00000032 130017 10701865

01 FC:1806 180.00 DA

Applicants, however, have not submitted U.S. Patents or other references previously provided to or by the PTO in this application. Sixteen (16) references are enclosed.

The references being submitted have been either cited, produced or relied upon by Qualcomm thus far during the above-mentioned actions. This submission is in no way intended as an admission that the submitted references constitute prior art under any subsection of 35 U.S.C. §102 or §103. Applicant expressly retains the right to argue that any of the cited references are not indeed prior art or to take any actions necessary to remove any of the cited references from the available prior art.

The Examiner is requested to initial both copies of the enclosed PTO/SB/08A and return one copy to the applicants to indicate consideration of the enclosed references.

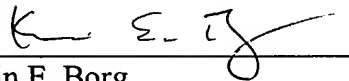
A fee in the amount of \$180 is believed to be due because:

- \* The applicant(s) believe(s) that this statement and enclosures are being filed after the first Office action on the merits has been mailed by the PTO. The basis of this belief is that an Office action on the merits appears to have been received by the undersigned to date.

The Commissioner is hereby authorized to charge any fees which are presently required, or credit any overpayment, to Deposit Account No. 13-0017.

Respectfully submitted,

Date: May 3, 2006

  
Kevin E. Borg  
Reg. No. 51,486  
McAndrews, Held & Malloy, Ltd.  
500 West Madison Street, Suite 3400  
Chicago, Illinois 60661  
(312) 775-8000



**Patents Currently Asserted by Broadcom in Civil Action No. 05-467 (CD Cal.)**

5,425,051  
5,657,317  
6,285,865  
6,389,010  
6,847,686



PTO/SB/08A (08-03)

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

USPTO Form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 1

**Complete if Known**

Application Number	10/701,865
Filing Date	November 5, 2003
First Named Inventor	Joseph J. Kubler et al.
Group Art Unit	2616
Examiner Name	Moore, Ian N.
Attorney Docket No.	14364US03

**U.S. PATENT DOCUMENTS**

Examiner Initial*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	A1	4,553,081	11-12-1985	Koenck	
	A2	4,716,354	12-29-1987	Hacker	
	A3	4,961,043	10-02-1990	Koenck	
	A4	5,260,988	11-09-1993	Schellinger et al.	
	A5	5,371,898	12-06-1994	Grube et al.	
	A6	5,420,911	05-30-1995	Dahlin et al.	
	A7	5,452,289	09-19-1995	Sharma et al.	
	A8	5,533,019	07-02-1996	Jayapalan	
	A9	5,546,077	10-08-1996	Obayashi et al.	
	A10	5,594,782	01-14-1997	Zicker et al.	
	A11	5,610,910	03-11-1997	Focsaneanu et al.	
	A12	5,654,957	08-05-1997	Koyama	
	A13	5,754,542	05-19-1998	Ault et al.	
	A14	5,764,736	06-09-1998	Shachar et al.	
	A15	5,777,991	07-07-1998	Adachi et al.	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
	B1	PCT/WO91/08629	06-13-1991	Berken		

**OTHER ART -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published

**EXAMINER  
SIGNATURE****DATE CONSIDERED**

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard St. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450 Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. Send TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1800-786-9199) and select option 2.

Rev. Sept. 03

J:\Open\phs\Broadcom (1772)\Qualcomm\Santa Ana 05-467 Litigation Statement & IDS\5,657,317 and 6,389,010 - VoIP\Fee\14364US03\14364US03  
PTOSB08A.doc